

THE C A S E O F T H E Burrough of TRURO.

THE Burrough of *TRURO* is an ancient Parliamentary Burrough by Prescription, and by virtue thereof only, sent Members to the Parliaments in the Reigns of *Edward I. Edw. II. and Edw. III. Rich. II. and Henry VI.* at which times the Returns were certified by the Sheriff in a Schedule annexed to the Writ, wherein the Members of *Truro* are said to be elected *pro Communitate Burgi*, as is evident by the said Returns.

The Returns for Parliament in the Reigns of *Henry VII. and Henry VIII.* are lost.

In the Reigns of *Edward VI. and Queen Mary*, the Returns of Members to represent that Burrough in Parliament, were by Indenture; wherein it appears, That the Election of Members to serve for that Burrough, was by the whole Commonalty.

Queen Elizabeth, by Charter dated 31st year of her Reign, for the better Government of the said Burrough for the future, did grant, That the Inhabitants of the said Burrough, and their Successors, should from thenceforth be one Body Politick, Incorporate by the Name of *The Mayor and Burgeses of the Burrough of Truro in the County of Cornwall.* And further Ordained, That from thenceforth for ever, Four and Twenty of the most discreet Inhabitants of the said Burrough should be aiding and assisting to the Mayor in all Causes and Matters relating to the Government of the said Burrough; which Twenty-four are named and appointed in the said Charter by their respective Names, to be the first and modern Capital Burgeses, and Councillors of the said Burrough.

The said Charter doth likewise grant, That the Mayor and Burgeses of the said Burrough shall send two Burgeses to represent them in all future Parliaments, to be elected as formerly, and to be maintained and paid by the Commonalty of the said Burrough.

In the Reigns of King *James I. and King Charles I.* the Returns are made by the Mayor and Burgeses; by which words all the Inhabitants at large (who were Incorporated by the Name of *Mayor and Burgeses*) must be intended.

That in the Convention, *Anno 1660.* that Return is by the Mayor and Capital Burgeses; which appears to be the first Instance of their usurping the sole Right of Election, and excluding the other Burgeses and Inhabitants.

It is pretended, That in the first Parliament after the Restauration of King *Charles II.* it was adjudged in Parliament, That the Right of Election was in the Capital Burgeses only. But if any such Judgment were, it was obtained by surprize, the Commonalty of the Burrough not having opportunity to make their Defence, and the merits of their Right not being insisted upon; the Commonalty never acquiescing therein, but having ever since claimed their Privilege of Voting, and accordingly elected; which Elections were not decided, by reason of the Dissolution of those Parliaments.

Some of the Capital Burgeses, and about 300 other Burgeses and Free-men of the said Burrough, elected *John Tredenham Esq;* and *John Manley Esq;* to serve in this present Parliament; which is certified under the hands of about Eight score of the Electors, and the hands of Mr. *Thomas Trewolla* (who was Mayor when the Charter was surrendred) and Mr. *Hugh Ackland*, (who was elected and sworn Mayor the 9th of October last, for the present year) and under the Common Seal of the Burrough.

Sir *Henry Ashenurst* and Mr. *Vincent* are returned by Mr. *Sladen*, (who was set up to be Mayor on the 5th of January last for that purpose) as elected by the Capital Burgeses, excluding the rest of the Burgeses and Free men, tho there were not above seven or eight of the old Capital Burgeses who voted for them.

It is conceived, That by all this it appears, that the Right of Election is as well in all the Inhabitants and Burgeses paying Scot and Lot, as in the Capital Burgeses, who were first constituted by *Queen Elizabeth's* said Charter; and that Mr. *Tredenham* and Mr. *Manley* are duly elected Members to serve for the said Burrough in this present Parliament.

To be heard before the Committee this Afternoon.